



**PUBLIC SERVICE  
EMPLOYEE RELATIONS BOARD**

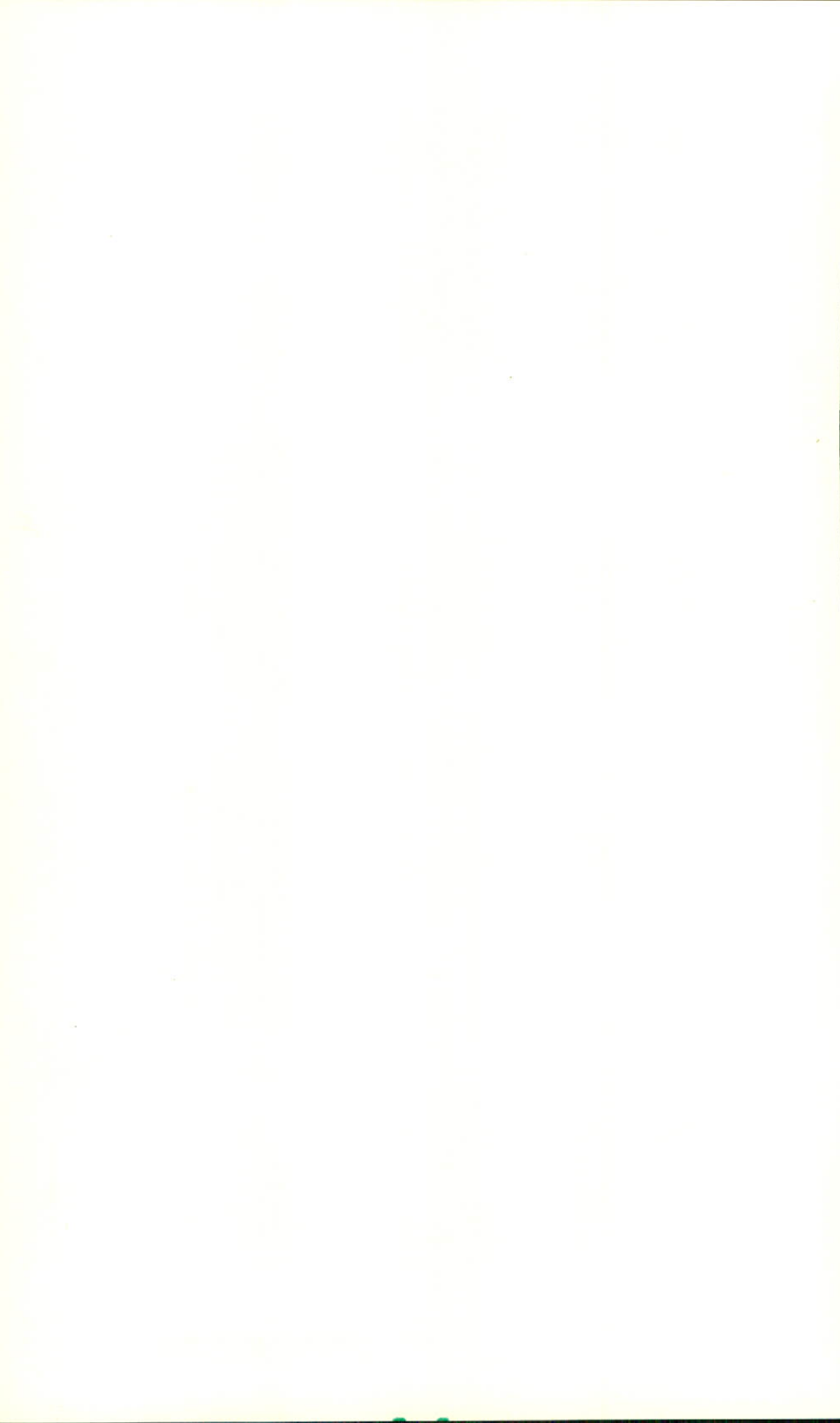
annual report

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PUBLIC SERVICE  
EMPLOYEE RELATIONS BOARD

ANNUAL REPORT  
for the  
FISCAL YEAR ENDING MARCH 31, 1993

PUBLISHED BY AUTHORITY OF THE  
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

EDMONTON, ALBERTA



To His Honour  
Gordon Towers  
Lieutenant Governor of the Province of Alberta

May it please your Honour,

On behalf of the Public Service Employee Relations Board, I respectfully submit to you the Annual Report for the period from April 1, 1992, to March 31, 1993, pursuant to the requirements of section 77 of the Public Service Employee Relations Act, Revised Statutes of Alberta, 1980, Chapter P-33 and amendments thereto.

Respectfully submitted,

Stockwell B. Day  
Minister of Labour

To The Honourable Stockwell B. Day  
Minister of Labour

Sir:

I have the honour to submit to you, on behalf of the Public Service Employee Relations Board, the Annual Report of the Board for the fiscal period April 1, 1992, to March 31, 1993.

Respectfully yours,



Andrew C.L. Sims, Q.C.  
Chairman



# personnel

## PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

Chairman - Andrew C.L. Sims, Q.C.

Alternate Chairman - Mark L. Asbell

Members -

Thomas K. Biggs

William Kondro

Executive Director - John F. Elsinga

Board Secretary - Gordon P. Procinsky





**ANNUAL REPORT  
OF THE  
PUBLIC SERVICE EMPLOYEE RELATIONS  
BOARD**

**FOR THE FISCAL PERIOD ENDING MARCH 31, 1993**

**introduction**

The Public Service Employee Relations Board merged administrative functions with those of the Labour Relations Board in April, 1993, immediately following the close of this reporting period. The Board's staff and facilities are now located at the Labour Relations Board's premises.

An integrated staff now support the two tribunals, which each retain their separate members and status, but under a common Chairman. This administrative integration has not changed the statutory provisions governing the two Boards.

This annual report provides a suitable occasion to recognize the very able and committed leadership provided to the Board by its former Chairman, Thomas W. Wakeling. His nine year tenure has been marked by wise and stable decision-making. It is also appropriate to recognize the efficient and professional manner in which the Board's staff John Elsinga, Executive Director and Gordon Procinsky, Board Secretary, undertook the administration of this important legislation.

**overview**

The Board experienced a decline in its caseload from the preceding fiscal period. This decrease was evident in most elements of the Board's normal activities with a concomitant reduction in hearing and caucus time. It also enabled the Board to operate at well below its approved funding level.

Collective agreements affecting a significant number of employees within the jurisdiction of the Public Service Employee Relations Act were open for negotiations this year.

Bargaining was protracted in many cases, undoubtedly affected by the provincial government's initiatives to consolidate and re-organize delivery of its programs and services.

As a result the Board received relatively few applications from the negotiating parties for mediation or for the establishment of arbitration boards to resolve bargaining disputes. At year end, several components of the collective agreement affecting provincial government employees had not yet been settled.

Informal intervention by the Board's officers on alleged unfair practices, work standards issues and questions relating to employee bargaining unit status also reduced the need for Board adjudication.

## background

The Public Service Employee Relations Act, Revised Statutes of Alberta 1980, Chapter P-33 came into force on September 22, 1977, upon proclamation by Order in Council 965/77. It was amended in 1983 and again in 1985.

Section 17 of the statute embraces the right of an employee to be a member of and to participate in the lawful activities of a trade union, to bargain collectively with an employer through a bargaining agent. The Act prescribes final and binding arbitration for the resolution of collective bargaining disputes and prohibits strike or lockout action. An employer and bargaining agent may at any time in their collective bargaining make joint application for the appointment of a mediator to assist in settling their dispute.

The legislation also requires that every collective agreement contain a procedure for the resolution of differences between the contracting parties as to the interpretation, application, operation or alleged contravention of their collective agreement.

The Public Service Employee Relations Act describes in considerable detail the basis upon which employees are to be included in or excluded from a bargaining unit of employees. In that regard sections 9 and 21 of the Act confer authority upon the Public Service Employee Relations Board to make final and binding determinations where the bargaining agent and employer are unable to settle the matter of employee status for collective bargaining purposes.

Section 48 of the Act precludes the referral of certain items in dispute between the bargaining parties to arbitration. The Public Service Employee Relations Board has the responsibility and authority under the statute to make such determinations, a function that is an integral part of the Board's activities with respect to each application it receives seeking the establishment of an arbitration board for the resolution of a collective bargaining dispute.

Part 8 of the Act prohibits employees, employers, trade union and persons acting on their behalf from engaging in certain activities commonly referred to as unfair practices. In this part of the statute, the Public Service Employee Relations Board is given the authority to inquire into complaints alleging such unfair practices and to impose remedial action when satisfied upon inquiry as to the substance of the complaint.

## application

The Public Service Employee Relations Act governs collective bargaining and related matters for public service employees and their employers within the Province of Alberta. The majority of those employees are employed directly by the Crown in right of Alberta in the various departments of the provincial government's administration. They are represented by The Alberta Union of Provincial Employees as their bargaining agent, and function under a common master collective agreement and twelve supplementary contracts, structured on occupational groupings.

Other employers and their employees to whom the Public Service Employee Relations Act applies include the following:

- Corporations
- Alberta Agricultural Development Corporation
  - Alberta Mortgage and Housing Corporation
  - Alberta Oil Sands Technology and Research Authority
  - Alberta Opportunity Company
  - Hail Crop Insurance Corporation
  - Mortgage Properties Inc.

- Commissions - Alberta Alcoholism and Drug Abuse Commission
- Alberta Petroleum Marketing Commission
  - Alberta Racing Commission

- Universities (academic staff excluded)
- Athabasca University
  - University of Alberta
  - University of Calgary
  - University of Lethbridge

- Colleges (academic staff excluded)
- Alberta College of Art
  - Banff Centre
  - Fairview College
  - Grande Prairie Regional College
  - Grant MacEwan Community College
  - Keyano College
  - Lakeland College
  - Lethbridge Community College
  - Medicine Hat college
  - Mount Royal College
  - Olds College
  - Red Deer College

Technical Institutes (academic staff excluded)

- Southern Alberta Institute of Technology
- Northern Alberta Institute of Technology

Hospitals

- Alberta Cancer Board
- Alberta Children's Provincial General Hospital
- Alberta Hospital Edmonton
- Charles Cammell Provincial General Hospital
- Foothills Provincial General Hospital
- Glenrose Rehabilitation Hospital
- The Mental Health Hospital Board, Ponoka
- University Hospitals Board

Boards

- Teacher's Retirement Fund Board
- Workers' Compensation Board
- Alberta Liquor Control Board (selected offices or departments only)

Councils

- Alberta Research Council

## administration & personnel

The Public Service Employee Relations Board currently consists of a chairman, alternate chairman and two members.

Early in April 1993 and before this report was completed, the administration of the Public Service Employee Relations Board and the Alberta Labour Relations Board was consolidated.

Andrew C.L. Sims, Q.C. and Mark L. Asbell were appointed chairman and alternate chairman of the Public Service Employee Relations Board, replacing Thomas W. Wakeling and Kenneth J. Alyluia, respectively.

The appointment of Board member Kay Willekes expired in November 1992. Thomas K. Biggs and William Kondro continue as members of the Board.



## judicial review - cases

One decision of the Public Service Employee Relations Board challenged by way of judicial review during the reporting period affected:

The Board of Governors of the Southern Alberta Institute of Technology,  
Calgary, Alberta

(Applicant)

and

The Alberta Union of Provincial Employees,  
Edmonton, Alberta

(Respondent)

and

The Public Service Employee Relations Board,  
Edmonton, Alberta

(Respondent)

A.U.P.E. applied for the establishment of an arbitration board. The Board determined that a number of bargaining proposals advanced by the parties were arbitral and to be referred to the arbitration board for resolution.

S.A.I.T. applied for judicial review and an order to quash the Board's decision. The application was heard in May of 1992 and dismissed. No appeal was taken.  
(PSERB Ref. 140-103-502[3])

# ANNUAL STATISTICS AND COMPARATIVE DATA

APRIL 1, 1992 to MARCH 31, 1993

| Section<br>of Act | Nature of Application                                       |                         | Disposition<br>1990/91 | 1991/92 | 1992/93 |
|-------------------|-------------------------------------------------------------|-------------------------|------------------------|---------|---------|
| 9                 | Determinations                                              | Granted                 | 38                     | 13      | 5       |
|                   |                                                             | Dismissed               | 4                      | 0       | 8       |
|                   |                                                             | Withdrawn               | 5                      | 2       | 1       |
|                   |                                                             | Outstanding             | 8                      | 6       | 6       |
| 11                | Reconsideration                                             | Granted                 | 3                      | 10      | 0       |
|                   |                                                             | Outstanding             | 0                      | 0       | 3       |
|                   |                                                             | Refused                 | 9                      | 0       | 1       |
| 25                | Certification                                               | Granted                 | 2                      | 1       | 0       |
|                   |                                                             | Refused                 | 0                      | 0       | 0       |
|                   |                                                             | Withdrawn               | 0                      | 0       | 0       |
|                   |                                                             | Outstanding             | 0                      | 0       | 0       |
| 46                | Appointment of<br>Mediator                                  | Granted                 | 0                      | 2       | 3       |
|                   |                                                             | Withdrawn               | 0                      | 0       | 0       |
| 49                | Establish<br>Arbitration Board                              | Granted                 | 7                      | 4       | 3       |
|                   |                                                             | Refused                 | 0                      | 0       | 1       |
|                   |                                                             | Withdrawn               | 1                      | 1       | 3       |
|                   |                                                             | Outstanding             | 0                      | 3       | 0       |
| 52                | Appointment of<br>Chairman & Member to<br>Arbitration Board | Granted                 | 0                      | 4       | 0       |
|                   |                                                             | Refused                 | 0                      | 0       | 0       |
|                   |                                                             | Withdrawn               | 0                      | 0       | 0       |
| 64                | Appointment of<br>Adjudicator                               | Granted                 | 10                     | 12      | 10      |
|                   |                                                             | Withdrawn               | 3                      | 1       | 0       |
|                   |                                                             | Refused                 | 1                      | 0       | 1       |
| 74                | Unfair Practice<br>Complaints                               | Granted                 | 2                      | 4       | 1       |
|                   |                                                             | Dismissed               | 0                      | 0       | 3       |
|                   |                                                             | Refused/<br>Withdrawn   | 5                      | 2       | 4       |
|                   |                                                             | Outstanding             | 0                      | 1       | 0       |
| 90                | Successor Trade<br>Union/Employer                           | Granted                 | 1                      | 1       | 0       |
|                   |                                                             | Dismissed/<br>Withdrawn | 1                      | 0       | 0       |

|                                                            |           |         |
|------------------------------------------------------------|-----------|---------|
| Days of Board Hearings and<br>Caucus Meetings              | - 1990/91 | 43 days |
|                                                            | - 1991/92 | 27 days |
|                                                            | - 1992/93 | 17 days |
| Estimated number of employees<br>affected by Certification | - 1990/91 | 640     |
|                                                            | - 1991/92 | 261     |
|                                                            | - 1992/93 | 0       |
| Estimated number of persons<br>affected by Determinations  | - 1990/91 | 2055    |
|                                                            | - 1991/92 | 409     |
|                                                            | - 1992/93 | 443     |
| Total applications disposed of                             | - 1990/91 | 96      |
|                                                            | - 1991/92 | 53      |
|                                                            | - 1992/93 | 46      |
| Total applications outstanding                             | - 1990/91 | 8       |
|                                                            | - 1991/92 | 10      |
|                                                            | - 1992/93 | 9       |

## **budgetary review**

### **Manpower and Operating Costs**

#### **PUBLIC SERVICE EMPLOYEE RELATIONS BOARD**

|         |         |                |
|---------|---------|----------------|
| 1990/91 | 593,136 | 27.6% increase |
| 1991/92 | 471,008 | 20.6% decrease |
| 1992/93 | 423,708 | 10.1% decrease |

## **in appreciation**

The Board publicly expresses its appreciation to the Honourable Richard Fowler and then subsequently to the Honourable Stockwell Day for their assistance and co-operation.







